

201-15651



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 09 2004

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Scott Morris
Coopers Creek Chemical Corporation
884 River Road
West Conshohocken, PA 19428-2699

Dear Mr. Morris:

Thank you for your letter dated November 30, 1999, to the U.S. Environmental Protection Agency (EPA), regarding the High Production Volume (HPV) Challenge Program. I apologize for the lengthy delay in responding to your request.

Your letter requests that Coal Tar Pitch (CAS No. 65996-93-2) be removed from the HPV Challenge Program because it is OECD sponsored, that Distillates (Coal Tar) (CAS No. 65996-92-1) be removed from the HPV Challenge Program because it is a mixture similar to creosote, and that Creosote (CAS No. 8001-58-9) be removed from the HPV Challenge Program because it is regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Your letter also states that these three chemicals are all mixtures predominantly of chemicals being tested as HPV substances (see Table 2 in the enclosure).

Current Agency records reflect that Coal Tar Pitch (CAS No. 65996-93-2) is sponsored under the OECD HPV SIDS Initiative and will continue to be reflected that way on the HPV Challenge Program Chemical List. Distillates (Coal Tar) (CAS No. 65996-92-1) is unsponsored and still produced at levels greater than one million pounds. Since Agency records show this chemical is unsponsored, EPA encourages Coopers Creek Chemical Company to consider sponsoring the chemical or to encourage other companies regarding possible sponsorship of this chemical. Creosote (CAS No. 8001-58-9) is also not sponsored and also produced at levels greater than one million pounds.

While Creosote (CAS No. 8001-58-9) may be registered under FIFRA, it is EPA's position that chemicals tested and approved under other Federal agency programs may contain data gaps in areas which are elements of the HPV Challenge Program. Furthermore, exposure scenarios may be different and may have the potential to cause adverse impacts on health or the environment. In addition, the data supporting the registration of chemicals under FIFRA may

not be publicly available because of confidentiality claims. However, data submitted under FIFRA could be submitted to the HPV Challenge Program by a manufacturer in the form of robust summaries and thus allow it to become public.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at tsca-hotline@epa.gov.

Sincerely,

Wardner G. Penberthy
Acting Director
Chemical Control Division

cc: AR201

Enclosure